

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DR. FELIX GUZMAN)	
RIVADENEIRA,)	
)	
Plaintiff,)	
)	
v.)	1:15CV472
)	
DEPARTMENT OF HOMELAND)	
SECURITY, et al.,)	
)	
Defendant(s).)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a federal detainee, submitted a civil rights action pursuant to 42 U.S.C. § 1983.¹ The form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problems are:

1. The filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed or signed by Plaintiff, to permit review.
2. The Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff's submission. See LR 7.1(e).
3. Plaintiff attempts to raise claims on behalf of both himself and other persons. As a pro se party, he can only raise claims on behalf of himself.

¹ Given that Plaintiff names only federal entities or employees as Defendants, his claims actually appear to arise under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).

4. Plaintiff does not name proper defendants or give sufficient addresses for them to be served. Plaintiff must name the entities actually responsible for the alleged violations of his constitutional rights.
5. Plaintiff sets out no facts supporting his claims, but instead only states legal conclusions that Defendants violated his rights.

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects of the present Complaint. To the extent Plaintiff chooses to file a new Complaint, the Court also notes that it appears that the potential proper defendants may be located in the Northern District of Illinois, where Plaintiff is housed. The events challenged in the Complaint also appear likely to have occurred in the Northern District of Illinois, at least as they pertain to Plaintiff himself and not other persons. Therefore, it appears that venue would be proper in that District, and Plaintiff may obtain forms and instructions from the Clerk's Office for filing in that District. See 28 U.S.C. § 1391(b). The address is: Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604.²

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

² If Plaintiff chooses to re-file his complaint here in this District, he should correct all of the matters noted above and should also include a statement addressing the proper venue in this case, for the Court's consideration in determining whether this case must be transferred to a proper district pursuant to 28 U.S.C. § 1406.

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the correct forms and in a proper district, which corrects the defects cited above.

This, the 2nd day of July, 2015.

/s/ L. Patrick Auld

L. Patrick Auld
United States Magistrate Judge